

PATRICIA A. O'CONNOR (PO5645)
BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778

WM 18-381 PO
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRANCES SCHNERING and ALAN SCHNERING,

Plaintiffs,

Docket No.:

-against-

NOTICE OF REMOVAL

WAL-MART STORES EAST, LP,

Defendant.
-----X

**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, SAM'S EAST, INC. i/s/h/a WAL-MART STORES EAST, LP, for the removal of this action from the Supreme Court of the State of New York, County of ORANGE, to the United States District Court for the SOUTHERN District of New York, respectfully shows this Honorable Court:

FIRST: Defendant, SAM'S EAST, INC. is a defendant in a Civil action brought against it in the Supreme Court of the State of New York, County of ORANGE, entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
FRANCES SCHNERING and ALAN SCHNERING,

Index No.: EF009095/18

Plaintiffs,

-against-

WAL-MART STORES EAST, LP,

Defendant.
-----X

Copies of the Summons, the Complaint, and SAM'S EAST, INC. Answer are annexed hereto as Exhibit A.

SECOND: That this action seeks recovery for damages sustained as a result of personal injuries allegedly suffered by the plaintiff while on the defendant's premises.

THIRD: The grounds for removal are that this Court has original jurisdiction pursuant to 28 § 1332(a)(1). The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States. Annexed hereto as Exhibit B is defendant's CPLR 3017(c) demand. During a phone conversation on January 18, 2019, plaintiffs' attorney requested more than \$75,000.00 to settle this matter.

FOURTH: The defendant, SAM'S EAST, INC., is a Arkansas corporation with its corporate headquarters and principal place of business in Arkansas.

FIFTH: That upon information and belief Plaintiff is a citizen of the State of New York, County of ORANGE.

SIXTH: In that this action is between citizens of different states and seeks damages in excess of \$75,000.00, than pursuant to 28 U.S.C.A. § 1332 and 28 U.S.C.A. § 1441 and § 1446 the case should be removed from the Supreme Court of the State of New York, County of ORANGE

to the United States District Court for the SOUTHERN District of New York.

Dated: Northport, New York
January 21, 2019

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

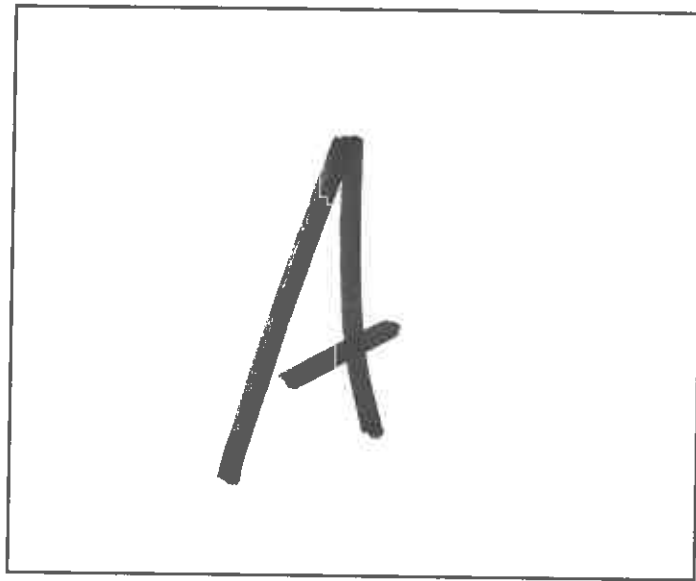
By:



PATRICIA A. O'CONNOR (PO 5645)
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 18-381 PO

TO: FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

Exhibit





**Service of Process
Transmittal**

09/20/2018

CT Log Number 534088519

TO: Kim Lundy Service of Process, Legal Support Supervisor
Walmart Inc.
702 SW 8th St, MS#0215
Bentonville, AR 72716-6209

RE: Process Served in New York

FOR: Wal-Mart Stores East, LP (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Schnering Frances and Alan Schneringa, Pltfs. vs. Wal-Mart Stores East, LP, Dft.
DOCUMENT(S) SERVED: Letter, Notice, summons, Verified Complaint Verification
COURT/AGENCY: Orange County: Supreme Court, NY
Case # EF0090952018
NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 02/02/2018 -
Store#6423, 300- North Galleria Drive, Town of Wailkill, County of Orange, State of
NewYork
ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY
DATE AND HOUR OF SERVICE: By Certified Mail on 09/20/2018 postmarked on 09/17/2018
JURISDICTION SERVED : New York
APPEARANCE OR ANSWER DUE: Within 30 days after service
ATTORNEY(S) / SENDER(S): Elyssa M. Fried-De Rosa
Finkelstein & Partners, LLP
1279 Route 300, P.O. Box 1111
Newburgh, NY 12551
800-634-1212
ACTION ITEMS: CT has retained the current log, Retain Date: 09/20/2018, Expected Purge Date:
09/25/2018
Image SOP
Email Notification, Kim Lundy Service of Process ctlawsuits@walmartlegal.com
SIGNED: C T Corporation System
ADDRESS: 111 8th Ave Fl 13
New York, NY 10011-5213
TELEPHONE: 212-590-9070

USPS 470 (Rev. 10/2015)

DEPARTMENT OF STATE
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

Return Services Requested



State of New York - Department of State
Division of Corporations

Party Served:
WAL-MART STORES EAST, LP

Plaintiff/Petitioner:
SCHNERING, FRANCES

C/O C T CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NY 10011

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 08/30/2018 pursuant to SECTION 121-109 OF THE REVISED LIMITED PARTNERSHIP ACT. This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE**

File #117933-01

-----X
FRANCES SCHNERING and ALAN SCHNERING

Plaintiff/Petitioner,

- against -

Index No. EF009095-2(

WAL-MART STORES EAST, LP,

Defendant/Respondent.

-----X
NOTICE OF ELECTRONIC FILING

You have received this Notice because:

- The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts e-filing system, and
- You are a Defendant/Respondent (a party) in this case.
(CPLR §.2111, Uniform Rule § 202.5-bb)

If you are represented by an attorney: give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

If you are not represented by an attorney: you are not required to e-file. You may serve and file documents in paper form and you must be served with documents in paper form. However, as a party without an attorney, you may participate in e-filing.

Benefits of E-Filing

You can:

- serve and file your documents electronically
- view your case file on-line
- limit your number of trips to the courthouse
- pay any court fees on-line.

There are no additional fees to e-file, view, or print your case records.

To sign up for e-filing or for more information about how e-filing works, you may:

- visit: www.nycourts.gov/efile-unrepresented or
- go to the Help Center or Clerk's Office at the court where the case was filed. To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site <https://lapps.courts.state.ny.us/nyscef/HomePage>; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 8/30/2018

Elyssa M. Fried-DeRosa

Elyssa M. Fried-De Rosa, Esq.
Name

1279 Route 300, P.O. Box 1111
Address

FINKELSTEIN & PARTNERS, LLP

Firm Name

Newburgh, New York 12231

Phone

efile@lawampm.com
E-Mail

To: WAL-MART STORES EAST, LP
Defendant
C/O Secretary of State
One Commerce Plaza
Albany, New York 12231

11/20/17

FILED: ORANGE COUNTY CLERK 08/29/2018 01:27 PM

NYSCEF DOC. NO. 1

INDEX NO. EF009095-2018

RECEIVED NYSCEF: 08/29/2018

File #117933-01/db

DATE OF FILING 8/29/18
INDEX #: EF009095-2018

Plaintiff designates
Orange County
as the place of trial.

The basis of venue is:
Plaintiff's residence.

Plaintiff resides at:
406 Blue Stone Court
Maybrook, New York
County of Orange.

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

-----X
FRANCES SCHNERING and ALAN
SCHNERING,

Plaintiffs,

-against-

SUMMONS

WAL-MART STORES EAST, LP,

Defendant.
-----X

To the above named defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) with -20- days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

Elyssa M. Fried-De Rosa

ELYSSA M. FRIED-DE ROSA, ESQ.

Dated: August 27, 2018.
DEFENDANT'S ADDRESS:
SEE VERIFIED COMPLAINT

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INDEX NO. EF009095-2018

RECEIVED NYSCEF: 08/29/2018

File #117933-01/db

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORANGE.

-----X
FRANCES SCHNERING and ALAN
SCHNERINGA,

Plaintiffs,

-against-

VERIFIED COMPLAINT

WAL-MART STORES EAST, LP,

Defendant.
-----X

Plaintiffs, by attorneys, FINKELSTEIN & PARTNERS, LLP as and for
the Verified Complaint, herein allege the following:

AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF, FRANCES
SCHNERING

1. That at all times hereinafter mentioned, the plaintiffs were and still are residents of the County of Orange, State of New York.
2. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was and still is a domestic corporation organized and existing under and by virtue of the Laws of the State of New York.
3. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was and still is a foreign corporation duly incorporated within the State of Delaware.

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4. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was and still is a foreign corporation authorized to do business in the State of New York.

5. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was and still is a business entity doing business within the State of New York.

6. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was and still is a limited partnership doing business within the State of New York.

7. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was the owner of a certain store and premises, located at 300 North Galleria Drive, Town of Wallkill, County of Orange, State of New York, known as "Sam's Club #6423".

8. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was the lessor of the aforesaid store and premises.

9. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was the lessee of the aforesaid store and premises.

10. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was the managing agent of the aforesaid store and premises.

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11. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, maintained the aforesaid store and premises.

12. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, managed the aforesaid store and premises.

13. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, controlled the aforesaid store and premises.

14. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, operated the aforesaid store and premises.

15. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was the owner of a certain parking lot located on the aforesaid premises.

16. That at all times hereinafter mentioned, upon information and belief, upon information and belief, the defendant, WAL-MART STORES EAST, LP, was in possession and control of a certain parking lot located on the aforesaid premises.

17. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, maintained the aforesaid parking lot premises.

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18. That at all times hereinafter mentioned, upon information and belief, the defendant, WAL-MART STORES EAST, LP, controlled the aforesaid parking lot premises.

19. That at all times hereinafter mentioned, the parking lot of the aforesaid store and premises located at 300 North Galleria Drive, Town of Wallkill, County of Orange, State of New York, was the situs of the within incident.

20. That on or about the 2nd day of February, 2018, this plaintiff was lawfully upon the aforesaid parking lot and premises while a patron thereof.

21. That on or about the 2nd day of February, 2018, while this plaintiff was lawfully upon the aforesaid parking lot and premises, she was caused to be precipitated to the ground, thereby sustaining severe and serious personal injuries.

22. The accident and injuries alleged herein were caused by the negligent, wanton, reckless and careless acts of the defendant herein.

23. That the defendant, its agents, servants and/or employees, were negligent, wanton, reckless and careless in, among other things, allowing, causing and/or permitting dangerous, hazardous and/or unsafe conditions to exist on the aforesaid parking lot and premises; in allowing, causing and/or permitting the premises, specifically the parking lot of the aforesaid premises to be, become and remain in an icy, dangerous and hazardous condition to persons lawfully thereon; in

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failing to sand and/or salt the parking lot and/or use another type of traction to avoid the accident herein; in failing to inspect and/or maintain the parking lot and premises; in failing to take those steps necessary to avoid the contingency which occurred; in failing to remedy or take precautionary steps in reference to the aforementioned conditions; in failing to adequately and properly clean or provide for the cleaning of the ice and/or snow; in failing to properly inspect and report same to persons on said parking lot and premises; in failing to use that degree of caution, prudence and care which was reasonable and proper under the controlling circumstances; in failing to check, inspect and/or maintain the aforesaid parking lot and premises; in acting with reckless disregard for the safety of others; in improperly hiring and continued employment of inept, incompetent and/or unskilled employees; and the defendant, its agents, servants and/or employees were in other ways negligent, wanton, reckless and careless.

24. The limited liability provisions of the C.P.L.R. 1601 do not apply pursuant to one or more of the exceptions of C.P.L.R. 1602.

25. That the defendant, its agents, servants and/or employees had actual and/or constructive notice of the dangerous and defective conditions in that the conditions existed for a sufficient length of time prior to the happening of the within accident and in the exercise of reasonable care, the defendant could have and should have had knowledge and notice thereof, and further, the defendant, its agents,

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servants and/or employees created said conditions.

26. That as a result of this accident, this plaintiff was caused to sustain severe and serious personal injuries to her mind and body, some of which, upon information and belief, are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for diverse sums of money for the purpose of obtaining medical care and/or cure in an effort to alleviate the suffering and ills sustained as a result of this accident; the plaintiff further was caused to lose substantial periods of time from her normal vocation, and upon information and belief, may continue in that way into the future and suffer similar losses.

27. That by reason of the foregoing, this plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would have jurisdiction of this matter.

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF, ALAN SCHNERING

28. This plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered '1' through '26' of the First Cause of Action, with the same force and effect as if more fully set forth herein at length.

29. That as a result of this aforementioned, this plaintiff, the lawful wedded spouse of the plaintiff in the First Cause of Action,

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has and will suffer the loss and impairment of the spouse's services, society and consortium, all to the damage of this plaintiff in a sum which exceeds the jurisdictional limits of all lower courts which would have jurisdiction of this matter.

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WHEREFORE, plaintiffs demand judgment against the defendant as follows:

(1) A sum which exceeds the jurisdictional limits of all lower courts which the jury would find to be fair, adequate and just on the First Cause of Action, and

(2) A sum which exceeds the jurisdictional limits of all lower courts which the jury would find to be fair, adequate and just on the Second Cause of Action, together with the costs and disbursements of this Action.

Yours, etc.,

FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiff(s)
Office & P.O. Address
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551

BY:

Elyssa M. Fried-DeRosa

ELYSSA M. FRIED-DE ROSA, ESQ.

TO: WAL-MART STORES EAST, LP
Defendant
c/o Secretary of State
One Commerce Plaza
Albany, New York 12231

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STATE OF NEW YORK : COUNTY OF ORANGE

ss:

ALAN SCHNERING, being duly sworn says; I am one of the plaintiffs in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.


ALAN SCHNERING

Sworn to before me on this
day of August, 27 2018.


NOTARY PUBLIC



WM 18-381 PO
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
FRANCES SCHNERING and ALAN SCHNERING,

Index No.: EF009095/18

Plaintiffs,

-against-

VERIFIED ANSWER

WAL-MART STORES EAST, LP,

Defendant.
-----X

The defendant, SAM'S EAST, INC. i/s/h/a WAL-MART STORES EAST, LP, by its attorneys, BRODY, O'CONNOR & O'CONNOR, ESQS., answering the Verified Complaint herein states upon information and belief:

AS TO THE FIRST CAUSE OF ACTION

FIRST: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "1", and each and every part thereof.

SECOND: Defendant denies the allegations set forth in paragraphs marked "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", and "18", except admits that SAM'S EAST, INC. i/s/h/a WAL-MART STORES EAST, LP is a foreign corporation registered to do and doing business in the State of New York, is a sublessee of that portion of the premises comprising the Wallkill Sam's Club, and is the operator of the Wallkill Sam's Club, leaving all other questions to the Court.

THIRD: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "19", "20", and "21", and each and every part thereof.

FOURTH: Defendant denies the allegations set forth in paragraphs marked "22", and "23", and each and every part thereof.

FIFTH: Defendant denies the allegations set forth in paragraph marked "24", and respectfully refers all questions of law to the trial Court.

SIXTH: Defendant denies the allegations set forth in paragraphs marked "25", and each and every part thereof.

SEVENTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "26", and "27", and each and every part thereof.

AS TO THE SECOND CAUSE OF ACTION

EIGHTH: Defendant repeats and reiterates each and every denial in answer to paragraphs numbered "1" through "27", of the Complaint as if more particularly hereinafter set forth in answer to paragraph numbered "28", and each and every part thereof.

NINTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "29", and each and every part thereof.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

TENTH: The plaintiff was guilty of culpable conduct, including contributory negligence and/or assumption of risk, and should an award be made to plaintiff, same should be diminished in the proportion which the culpable conduct and/or contributory negligence and/or assumption of risk attributable to the plaintiff bears to the culpable conduct and/or negligence which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

ELEVENTH: In the event that plaintiff recovers judgment against this answering defendant and it is determined that plaintiff's damages were caused in whole or in part by two or more joint tortfeasors, then defendant's liability herein for non-economic loss may not exceed its equitable share of said damages in accordance with its relative culpability, as provided by Section 1601 of the CPLR.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TWELFTH: Plaintiff's recovery, if any, shall be reduced by the amount of any collateral payments received, in accordance with CPLR Section 4545.


WHEREFORE, defendant, SAM'S EAST, INC. i/s/h/a WAL-MART STORES EAST, LP, requests judgment dismissing the Complaint herein, together with costs and disbursements of this action.

Dated: Northport, New York
October 3, 2018

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

By:



PATRICIA A. O'CONNOR
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 18-381 PO

TO: FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

AFFIRMATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of the State of New York, shows:

That affirmant is the attorney for the defendant in the within action; that affirmant has read the foregoing Verified Answer and knows the contents thereof; that the same is true to the affirmant's knowledge, except as to the matters therein stated to be alleged on information and belief; and that as to those matters, affirmant believes it to be true.

Affirmant further says that the reason this Verification is made by deponent and not by the defendant is that defendant is a foreign corporation.

The grounds of belief as to all matters not stated upon deponent's knowledge are documents, correspondence and records maintained in your deponent's files and conversations and conferences had with the defendant.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Northport, New York
October 3, 2018



PATRICIA A. O'CONNOR

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

DEBRA SANACORA, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Ronkonkoma, New York.

That on the 4 day of October, 2018, deponent served the within VERIFIED ANSWER and AFFIRMATION BY ATTORNEY

UPON:

FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


DEBRA SANACORA

Sworn to before me this
4 day of October, 2018

PATRICIA A. O'CONNOR
NOTARY PUBLIC-STATE OF NEW YORK
No. 020C6028806
Qualified in Suffolk County 22
My Commission Expires 06-06-22


NOTARY PUBLIC

Index No. EF009095/18

Year 20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

FRANCES SCHNERING and ALAN SCHNERING,

Plaintiffs,

-against-

WAL-MART STORES EAST, LP.

Defendant.

VERIFIED ANSWER and AFFIRMATION BY ATTORNEY

BRODY, O'CONNOR & O'CONNOR, ESQS.

Attorneys for

Defendant SAM'S EAST, INC.

160 BAYVIEW AVENUE
NORTHPORT, NEW YORK 11768
(631) 254-7778
FAX (631) 261-6444

Pursuant to 22 NYCRR 130-1.1(n), the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.43-a.

Dated: _____

Signature: _____

Print Signer's Name: _____

Service of a copy of the within _____

is hereby admitted.

Dated: _____

Attorney(s) for _____

PLEASE TAKE NOTICE

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on _____

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at _____
on _____

20

, at

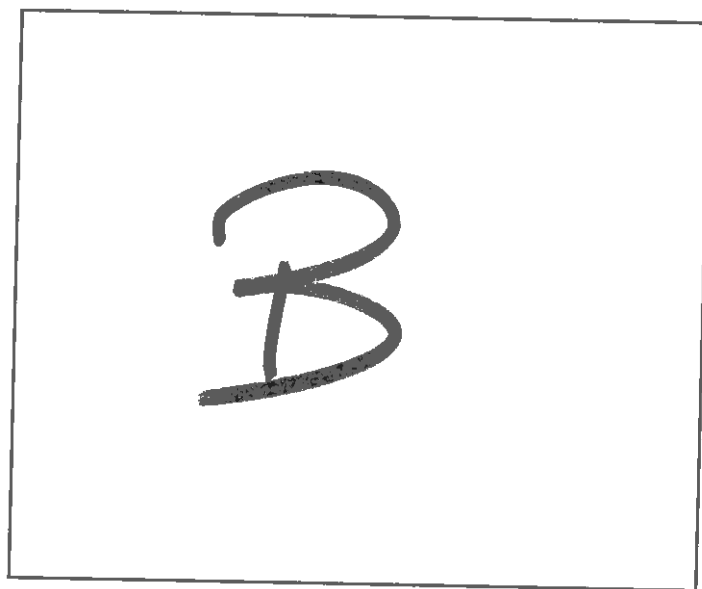
M.

Dated: _____

BRODY, O'CONNOR & O'CONNOR, ESQS.

Attorneys for

Exhibit



WM 18-381 PO
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
FRANCES SCHNERING and ALAN SCHNERING,

Index No.: EF009095/18

Plaintiffs,

-against-

**DEMAND PURSUANT
TO CPLR 3017(c)**

WAL-MART STORES EAST, LP,

Defendant.
-----X

COUNSELLORS:


PLEASE TAKE NOTICE, that defendant hereby demands that plaintiffs set forth the total damages to which they deem themselves entitled within fifteen days of this demand pursuant to CPLR 3017(c).

Dated: Northport, New York
October 3, 2018

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

By:



PATRICIA A. O'CONNOR
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 18-381 PO

TO: FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

DEBRA SANACORA, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Ronkonkoma, New York.

That on the 4 day of October, 2018, deponent served the within DEMAND PURSUANT TO CPLR 3017(c)

UPON:

FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


DEBRA SANACORA

Sworn to before me this
4 day of October, 2018.


NOTARY PUBLIC

PATRICIA A. O'CONNOR
NOTARY PUBLIC-STATE OF NEW YORK
No. 020C6028806
Qualified in Suffolk County 22
My Commission Expires 06-06-

Index No. EF009095/18

Year 20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

FRANCES SCHNIRING and ALAN SCHNIRING,

Plaintiffs,

-against-

WAL-MART STORES EAST, LP,

Defendant.

DEMAND PURSUANT TO CPLR 3017(c)

BRODY, O'CONNOR & O'CONNOR, ESQS.

Attorneys for

Defendant/SAM'S EAST, INC.

7 BAYVIEW AVENUE
NORTHPORT, NEW YORK 11768
(631) 261-7728
FAX (631) 261-6411

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.43-a.

Dated: _____

Signature: _____

Print Signer's Name: _____

Service of a copy of the within _____

is hereby admitted.

Dated: _____

Attorney(s) for _____

PLEASE TAKE NOTICE

☐
NOTICE OF
ENTRY

that the within is a (verified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at _____

20

at

M.

Dated: _____

Attorneys for

BRODY, O'CONNOR & O'CONNOR, ESQS.

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

DEBRA SANACORA, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Ronkonkoma, New York.

REMOVAL That on the 29 day of January, 2019, deponent served the within NOTICE OF

UPON:

FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiffs
1279 Route 300, P.O. Box 1111
Newburgh, New York 12551
(800) 634-1212

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


DEBRA SANACORA

Sworn to before me this
29 day of January, 2019.



NOTARY PUBLIC

PATRICIA A. O'CONNOR
NOTARY PUBLIC-STATE OF NEW YORK
No. 020C6028806
Qualified in Suffolk County
My Commission Expires 06-06-22